

**PROPOSING AMENDMENT TO CONSTITUTION RELATING
TO SALE OF INTOXICATING LIQUORS BY
STATE DISPENSARY SYSTEM.**

S. J. R. No. 3-a.]

STATE DISPENSARY SYSTEM.

A Joint Resolution proposing an Amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20 thereof; providing for local option on the question of the sale of intoxicating liquors for beverage purposes; providing that spirituous liquors, or liquors composed in whole or in part of the production of distillation shall not be sold for private profit, except to the State; providing that the Legislature shall pass laws relative to the sale, possession, transportation and manufacture of such spirituous liquors; providing for the establishment of State dispensaries; providing for the manufacture, sale, transportation, and possession of all liquors which are exclusively products of the fermentation process; providing that intoxicating liquors shall not be manufactured, sold, bartered, or exchanged for beverage purposes in any county or political subdivision wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws in force at the time of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters of such county or political subdivision shall determine such to be lawful at an election held for that purpose; providing for an election on the question of the adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20 thereof and substituting in lieu thereof the following:

“Article XVI. Section 20:

“(a) It is hereby declared to be the policy of this State that the open saloon shall not be reestablished. The sale of spirituous liquors, manufactured in whole or in part by means of the process of distillation and/or liquors compounded and/or composed in part of such spirituous distilled liquors, for private profit, is prohibited within this State except when such sale is made to the State. The State of Texas shall have the exclusive right to purchase at wholesale and to sell at retail such distilled spirituous liquors. Such sale shall be made only in unbroken packages and no such liquors shall be consumed on the premises where sold. The Legislature shall pass laws to prescribe regulations relative to the manufacture, sale, transportation, and possession of such spirituous liquors and relative to the establishment of State dispensaries; provided, however, the Legislature shall have the power to regulate the sale for private profit and possession of distilled liquors for medicinal, scientific and mechanical purposes.

“The manufacture, sale, transportation, and possession of all

liquors, the alcoholic content of which is entirely and exclusively the result of the fermentation process is hereby authorized under such restrictions as may be authorized by law.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties, justice's precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justice's precinct or incorporated town or city, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the 43rd Legislature."

SEC. 2. Such proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on the third day of November, 1936, at which election all voters favoring said proposed Amendment, shall write, or have printed on their ballots the words:

"FOR THE AMENDMENT TO THE STATE CONSTITUTION PROVIDING FOR THE ESTABLISHMENT OF A STATE DISPENSARY SYSTEM HAVING THE EXCLUSIVE SALE OF DISTILLED LIQUORS, AND PROVIDING FOR LOCAL OPTION."

And those voters opposed to said proposed Amendment shall write or have printed on their ballots the words:

"AGAINST THE AMENDMENT TO THE STATE CONSTITUTION PROVIDING FOR THE ESTABLISHMENT OF A STATE DISPENSARY SYSTEM HAVING THE EXCLUSIVE SALE OF DISTILLED LIQUORS, AND PROVIDING FOR LOCAL OPTION."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

SEC. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

SEC. 4. The sum of Eight Thousand (\$8,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election.

[NOTE.—S. J. R. No. 3-a passed the Senate, May 1, 1935, by a vote of 26 yeas, 4 nays; passed the House, May 1, 1935, by a vote of 128 yeas, 7 nays.]

Filed in Department of State, May 11, 1935, without the Governor's signature.

**PROPOSING AMENDMENT TO CONSTITUTION ABOLISH-
ING FEE METHOD OF COMPENSATING DISTRICT
AND COUNTY OFFICERS OF CERTAIN
COUNTIES.**

S. J. R. No. 6.]

SENATE JOINT RESOLUTION.

A Joint Resolution proposing an amendment to the Constitution of the State of Texas, amending Article 16 by adding another section to be known as "Section 61", providing for the abolishing of the fee method of compensating all district officers of this State and county officers in counties of this State having a population of 20,000 or more, and providing that all such district and county officers be paid on a salary basis; and providing that the Legislature shall enact laws putting this amendment into effect; providing for the submission of this amendment to the voters of this State; and providing that all precinct officers in all counties and county officers in counties under 20,000 population may be compensated on a fee basis or on a salary basis and authorizing the Commissioners' Court to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis; and providing for the necessary appropriation to defray necessary expenses for the submission of this Amendment.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That the Constitution of the State of Texas, Article 16 be amended by adding thereto another section to be known as "Section 61," which shall read as follows:

"Sec. 61. All district officers in the State of Texas and all county officers in counties having a population of 20,000 or more, according to the then last preceding Federal Census, shall from the first day of January and thereafter, and subsequent to the first Regular or Special Session of the Legislature after the adoption of this Resolution, be compensated on a salary basis. In